

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1, 16, and 20 have been amended. New claims 26-27 have been added. Claims 21 and 24-25 have been cancelled. Support for the amendments may be found throughout the specification. No new matter has been added as a consequence of these amendments.

Claims 24 and 25 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants submit that the cancellation of claims 24 and 25 render this rejection moot, and that the claims are in full compliance with 35 U.S.C. §112, second paragraph.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,838,088 ("Gers-Barlag") in view of International Patent Publication No. WO 2003/041677 ("Kessell"). Applicants submit that the cancellation of claim 21 renders this rejection moot.

Claims 1-16, 18, 20 and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication 2003/0223940 ("Dransfield") in view of Kessell. Claims 1 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dransfield in view of U.S. Patent 5,512,277 ("Uemura"). For at least the following reasons, the claims are believed to be patentable over the cited references.

Applicants submit that the Examiner's reliance on the listing of over 170 types of organic media in Dransfield does not rise to the level of a suggestion or teaching of the dispersions or sunscreen products of the pending claims, as amended. Specifically, the listing within Dransfield fails to recognize or appreciate the concept of combining a particular polar material with a particular non-polar material – much less requiring the combination of at least one polar material having an interfacial tension of less than 30 mNm<sup>-1</sup> with at least one non-polar material having an interfacial tension greater than 30 mNm<sup>-1</sup>.

Moreover, because Dransfield does not teach or suggest the specified combinations of polar materials with non-polar materials, as in the pending claims, Dransfield, therefore cannot suggest– much less teach – a specific ratio of polar and non-polar materials. For example, the dispersion of claim 1, as amended,

comprises, *inter alia*, at least one polar material and at least one non-polar material, wherein ***the ratio of polar to non-polar material is 30 to 70:30 to 70% by weight.***

As neither Kessell nor Uemura overcome the above stated deficiencies of Dransfield, Applicants submit that the amended pending claims are non-obvious, and therefore patentable.

Finally, Applicants note that neither Dransfield, nor Kessell or Uemura, disclose the dispersion as claimed in new claim 27, much less the advantages that this achieves. For example, none of the cited references disclose a dispersion comprising, *inter alia*, particles of metal oxide that are dispersed in an organic medium comprising triethylhexyl triglyceride and isohexadecane.

Therefore, as all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY

By: 

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 879-5481

Intellectual Property Group  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
(202) 879-3939 Telephone  
(202) 626-1700 Facsimile

Date: March 9, 2010